

I think it says an awful lot about this country. It says an awful lot about Hunter's fighting spirit, that he is keeping this battle going. In fact, it is a bit ironic, but again I think it is positive, when the reporters asked Hunter as he assembled down in the triangle during a press conference, where Kimo McVay was reduced to tears, one of the last questions they asked him was, "What do you want to do when you grow up?" He said, "I want to go to the Naval Academy, and I want to be an officer."

I think that says an awful lot about him, that we can recognize and we can love an institution, like we in Pensacola and Hawaii love the United States Navy, and still recognize that they make mistakes; and when they make mistakes, they need to correct those mistakes. With the help of Hunter and all of Hunter's new-found friends here, that is exactly what we are going to do in the 106th Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADY). The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and agree to the resolution, H. Res. 590, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON MONDAY, OCTOBER 12, 1998

Mr. SCARBOROUGH. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions be considered Monday, October 12, 1998:

H.R. 3494, Child Protection and Sexual Predator Punishment Act of 1998; H.R. 3888, Anti-slammings Amendments Act; H.R. 4781, to amend the Federal Election Campaign Act of 1971 to require the national committees of political parties to file pre-general election reports with the Federal Election Commission without regard to whether or not the parties have made contributions or expenditures under such Act during the periods covered by such reports; H.R. 4772, to amend the Federal Election Campaign Act of 1971 to prohibit disbursements of non-Federal funds by foreign nationals in campaigns for election for Federal office; House Resolution calling on the President to take all necessary measures under existing law to respond to the significant increase of steel imports resulting from the financial crises in Asia, Russia and other Regions and for other purposes; H.R. 1274, National Institute of Standards and Technology Authorization Act; S. 610, Chemical Weapons Convention Implementation Act; H.R. 3055, Miccosukee Reserved Area Act; S. 1693, National Park Serv-

ice Concession Management Improvement Act of 1998; S. 2349, Hazardous Materials Transportation Reauthorization Act of 1998; H.R. 3899, American Homeownership Act of 1998; S. 2524, to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations; and H.R. 2281, WIPO Copyright Treaties Implementation Act.

WETLANDS AND WILDLIFE ENHANCEMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1677) to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, as amended.

The Clerk read as follows:

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 2. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed \$30,000,000 for each of fiscal years 1999 through 2003."

SEC. 3. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed \$6,250,000 for each of fiscal years 1999 through 2003."

SEC. 4. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc., and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall represent an organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

SEC. 5. MIGRATORY BIRD TREATY ACT AMENDMENTS.

(a) ELIMINATING STRICT LIABILITY FOR BAITING.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area."

(b) CRIMINAL PENALTIES.—Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking "\$500" and inserting "\$15,000"; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both."

(c) STUDY ON EFFECT ON MIGRATORY BIRD CONSERVATION AND LAW ENFORCEMENT EFFORTS.—

(1) STUDY.—The Secretary of the Interior shall conduct a study of the effect of the amendments made by this section on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Congress a report on the results of the study under paragraph (1).

SEC. 6. REAUTHORIZATION AND AMENDMENT OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

(a) PURPOSES OF THE ACT.—Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger."

(b) DEFINITION OF PERSON.—Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States."

(c) PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED AS RHINOCEROS OR TIGER PRODUCTS.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

“(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

“(2) CIVIL PENALTIES.—

“(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than \$12,000 for each violation.

“(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

“(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

“(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

“(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

“(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).”

(d) EDUCATIONAL OUTREACH PROGRAM.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), as amended by subsection (c), is further amended by inserting after section 7 the following:

“SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

“(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

“(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

“(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled as containing, their parts;

“(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

“(3) the status of rhinoceros and tiger species and the reasons for protecting the species.”

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306), as redesignated by subsection (c) of this section, is amended by striking “1996, 1997, 1998, 1999, and 2000” and inserting “1996 through 2002”.

SEC. 7. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge

System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled “Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers”, dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking “Upper Mississippi River Wild Life and Fish Refuge” each place it appears and inserting “Upper Mississippi River National Wildlife and Fish Refuge”.

SEC. 8. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the “Killcohook Coordination Area”, as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 9. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the “Lake Elsie National Wildlife Refuge”, as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 10. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w-1), is amended in subsections (f) and (g) by striking “Klamath Forest National Wildlife Refuge” each place it appears and inserting “Klamath Marsh National Wildlife Refuge”.

SEC. 11. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking “knowingly”; and

(2) in subsection (f)—

(A) by striking “(f) Any” and inserting the following:

“(f) PENALTIES.—

“(1) KNOWING VIOLATIONS.—Any”;

(B) by inserting “knowingly” after “who”; and

(C) by adding at the end the following:

“(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.”

SEC. 12. USE OF PROCEEDS OF CERTAIN SALES.

(a) PURPOSES.—The purposes of this section are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to au-

thorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

(b) USE OF PROCEEDS.—Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742(c)) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), notwithstanding”; and

(2) by adding at the end the following:

“(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plants, or derivative thereof, for which the sale is prohibited by another Federal law.

“(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

“(A) to make payments in accordance with those sections; and

“(B) to pay costs associated with—

“(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

“(ii) storage of the items, including inventory of, and security for, the items;

“(iii) appraisal of the items;

“(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

“(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

“(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I am presenting to the House a modified version of S. 1677, the Wetlands and Wildlife Enhancement Act. This measure was approved by the other body on September 30th.

The first two sections of the bill extend the North America Wetlands Conservation Act and the Partnerships for Wildlife Act for an additional 5 years. These two important conservation programs are dedicated to improving and acquiring wetlands for both migratory birds and nongame species. In fact, as a result of the North American Wetlands Conservation Act, more than 3 million acres of wetlands have been purchased in the United States and Canada over the past 7 years.

Section 3 of this bill is designed to clarify the membership of the North American Wetlands Conservation Council. I am pleased that Ducks Unlimited, which has contributed some

\$80 million for essential migratory bird wetland projects will continue to serve on the Council in the future.

Mr. Speaker, the House version of this legislation was overwhelmingly adopted on May 19th of this year.

Section 5 of this proposal is the text of my bill, H.R. 2863, the Migratory Bird Treaty Reform Act. This measure was extensively debated on the House on September 10 and adopted by a vote of 322 to 90. Since that time, the Senate Environment and Public Works Committee has conducted a hearing on this bill and reported it favorably.

During these deliberations, the Senate suggested that this bill be changed in several ways. I have incorporated those modifications, which increase the maximum criminal penalties for baiting and direct the Secretary of the Interior to study the effects of changing strict liability to the "knows or reasonably should have known" legal standard. In terms of penalties, these are maximum levels and will only be imposed in the most severe and egregious cases.

H.R. 2863 will not allow baiting and will not imperil any migratory bird population. What it will do is allow hunters to simply present evidence in their own defense.

The current strict liability interpretation, if you were there and even a small part or amount of bait is present, you are guilty, it is fundamentally wrong. This violates one of our most basic constitutional protections, that a person is innocent until proven guilty.

Furthermore, the "knows or reasonably should know" standard has been effectively used in the States of Louisiana, Mississippi, and Texas for over 20 years. During that time, no migratory bird populations have been put at risk, there has been an 88 percent conviction rate in baiting cases and, not surprisingly, the U.S. Fish and Wildlife Service has never attempted to overturn or challenge this legal standard. It is time we provide fairness and equity to migratory bird hunters throughout this country.

Section 6 of the bill incorporates the text of H.R. 2807 and H.R. 3113. These measures were overwhelmingly adopted by the House of Representatives. The fundamental goal is to eliminate the U.S. market for illegally obtained rhino and tiger products and to extend the Rhinoceros and Tiger Conservation Fund. This Fund has supported some 40 conservation projects in 10 range states in Africa and Asia. Without this legislation, these two magnificent species will continue to slide towards extinction.

Finally, the last sections of the bill implement the text of S. 2317. This measure was approved by the other body on September 21. This legislation is designed to make several minor changes in four units of our National Wildlife Refuge System and to reduce the penalties for those individuals who unintentionally violate certain provisions of the National Wildlife Refuge System Administration Act.

Briefly, this section would remove 37 acres from the Upper Mississippi National Wildlife and Fish Refuge, 1,430 acres from the Kilcohook Coordination Area, and a 634-acre easement from the Lake Elsie National Wildlife Refuge. These lands have lost the wildlife values that led to their inclusion in the system and, therefore, they should be removed.

Finally, this section renames a refuge in the State of Oregon to better reflect the true nature of the unit. In the future it will be called the Klamath Marsh Wildlife Refuge.

This is a good bill, Mr. Speaker. These changes are minor housekeeping matters that are noncontroversial. They have been suggested by the U.S. Fish and Wildlife Service, and I find no objection to their enactment.

Mr. Speaker, this is a comprehensive conservation measure that is good for migratory bird hunters, our Refuge System, essential wetland habitat acquisition, and for two of the most endangered species, rhinos and tigers, on earth. Each of these provisions, except for the minor refuge changes, has been fully debated and resoundingly approved by this body, and I urge an "aye" on S. 1677.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I rise in support of S. 1677, a package of bills which have already passed the House with broad bipartisan support. In particular, it reauthorizes the highly successful North American Wetlands Conservation Act. This program has protected more than 10 million acres of wetlands in the United States, Canada and Mexico.

The bill before the House also reauthorizes the program of grants for the conservation of rhinoceros and tigers, and prohibits trade in products labeled as containing rhino or tiger products.

Although trade in rhino and tiger products is banned under United States and international law, many products claiming to contain rhino and tiger continue to be available in the United States. Because of the increasing rarity of these magnificent animals, many products labeled as containing rhino and tiger do not actually contain them, but nevertheless they help perpetuate the illegal market in rhino and tiger parts.

I do not support the provisions of this bill that relax the standard under which hunters may be cited for shooting birds over bait. However, this bill contains changes to the House-passed bill which substantially increase the penalty for baiting violations and require a study of the impacts of this policy change on game bird populations and law enforcement. These changes substantially mitigate any harm done by the underlying policy change.

Overall, Mr. Speaker, this is a good package and I urge my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1677, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, and for other purposes."

A motion to reconsider was laid on the table.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2095) to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, as amended.

The Clerk read as follows:

S. 2095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish and Wildlife Foundation Establishment Act Amendments of 1998".

SEC. 2. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

"(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, and plant resources;"

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT AND MEMBERSHIP.—

"(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

"(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, and plants.

"(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law."

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation